

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DARNELL R. COOPER,  
Petitioner,

v.

DEPARTMENT OF JUSTICE, et al.,  
Respondents.

CIVIL ACTION

NO. 04-40141-MLW

O R D E R

WOLF, D. J.

On July 19, 2004, petitioner Darnell Cooper, a prisoner confined at FMC Devens, filed a petition for a writ of habeas corpus under Section 2241 naming the Department of Justice, the Bureau of Prisons, the Director of the Bureau of Prisons, and the Warden of FMC Devens as respondents.

ACCORDINGLY,

(1) The Clerk shall correct the case caption to reflect that the only respondent to this action is David Winn. A writ of habeas corpus must be "directed to the person having custody of the person detained." 28 U.S.C. § 2243. Petitioner's legal custodian is the warden of FMC Devens, the individual having day-to-day control over the facility in which petitioner is being detained. Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000), cert. denied, sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001);

(2) The Clerk of this Court shall serve a copy of the Petition, by certified mail, upon  
(1) David Winn, Warden, FMC Devens, P.O. Box 879, Ayer, Massachusetts 01432; AND  
(2) the United States Attorney; AND

(3) The Respondent shall, within 28 days of receipt of this Order, file an answer or other responsive pleading.

SO ORDERED.

8/21/04  
DATE

s/ Mark L. Wolf  
UNITED STATES DISTRICT JUDGE